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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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WONG, LESLIE	
ART UNIT	**PAPER NUMBER**
2167	

DATE MAILED: 11/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/849,695	BLACK ET AL.	
	Examiner	Art Unit	
	Leslie Wong	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 October 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-39* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05 October 2004 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-28 and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Newman et al.** ("**Newman**")(U.S. Patent 6,571,214 B2) in view of **Heyer** (US 2003/0236682).

Regarding claim 1, **Newman et al.** teaches a method of creating a relational database containing information regarding at least one individual, comprising the steps of:

c). sorting the information into at least one searchable unit within the database (col. 5, lines 13-17); and

d). allowing at least one entity access to the information contained in the database (col. 5, lines 35-44; col. 5, line 61 – col. 6, line 9; col. 6, lines 58-67).

Newman does not explicitly teach the step of:

a). automatically obtaining information regarding the at least one individual on a predetermined periodic basis from at least one information source by electronically querying the at least one information source;

b). inputting the information into a relational database within a predetermined time from when the information is obtained from the at least one information source, wherein the information contained in the database is constantly replaced by the new information, wherein the information is periodically updated by obtaining the newer information from the at least one information source such that the older information contained in the database is constantly replaced by the newer information.

a). **Heyer**, however, teaches 'automatically obtaining information regarding the at least one individual on a predetermined periodic basis from at least one information source by electronically querying the at least one information source' as automated notification to providers and network monitors, and facility when it is time to up-date the provider data, verification data, facility data (abstract, ¶s 0041 and 0046).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of the cited references because **Heyer's** teaching would have allowed **Newman's** to enable the healthcare network to have continuous and reliable access in order to increase effectiveness and efficiency in managing the provider data by having the information available from a single data source which centralizes provider data, verification data and facility data as suggested by **Heyer** at ¶ 0012.

b). **Heyer** further teaches 'inputting the information into a relational database within a predetermined time from when the information is obtained from the at least one information source, wherein the information contained in the database is constantly replaced by the new information, wherein the information is periodically updated by obtaining the newer information from the at least one information source such that the older information contained in the database is constantly replaced by the newer information' as periodically the one or ore providers must re-certify their credentials with the healthcare network. The system stores the updated provider data, verification data, and facility data in the database (¶s 0041 and 0024).

Regarding claims 2 and 14, **Newman et al.** further teaches wherein the information is personal information about at least one individual (col. 5, lines 13-17).

Regarding claim 3, **Newman et al.** further teaches wherein the at least one information source is selected from the group consisting of government agencies, professional organizations, courts, educational institutions, licensing bodies, certification bodies, and legal business entities (col. 1, lines 47-61).

Regarding claim 4, **Heyer** further teaches wherein the information is replaced by new information as soon as the new information becomes available (i.e, providers enter the data via an Internet session) (¶ 0040).

Regarding claim 5, **Newman et al.** further teaches the step of allowing at least one individual to access the database to review personal information about the at least one individual (col. 5, lines 56-60).

Regarding claims 6 and 15, **Newman et al.** further teaches wherein the information is provided proactively from the at least one information source (col. 5, lines 46-60).

Regarding claim 7, **Newman et al.** further teaches wherein the information is verified by the at least one information source (col. 1, lines 47-61).

Regarding claim 8, **Newman et al.** further teaches wherein the information is verified by an independent party (col. 7, lines 1-13).

Regarding claims 9, 10, and 16-18, **Heyer** further teaches wherein the at least one entity automatically on a periodic basis receives information from the database regarding a number of discrete individuals identified by the at least one entity to the database (¶s 0024, 0041, 0046, and 0049).

Regarding claim 11, **Newman et al.** teaches a business method of creating a relational database containing information regarding at least one individual, comprising the steps of:

a). obtaining initial information about the at least one individual from at least one information source (col. 1, lines 47-56 and col. 5, lines 46-60);

b). inputting the information into a relational database (col. 1, lines 21-35; col. 2, lines 41-43)

c). sorting the information into at least one searchable unit within the database (col. 5, lines 13-17);

d). obtaining updated information from the at least one information source (col. 1, lines 47-56 and col. 5, lines 46-60);

g). repeating steps b through e as often as updated information is obtained (col. 5, lines 47-55);

f and h). allowing at least one entity access to the information contained in the database (col. 5, lines 35-44; col. 5, line 61 – col. 6, line 9; col. 6, lines 58-67).

Newman et al. does not explicitly teach the step of:

a). electronically querying the at least one information source,

b, c, and f). sortable continuously updated relational database,

e). replacing the initial information from the at least one information source.

Heyer, however, teaches automated notification to providers and network monitors, and facility when it is time to up-date the provider data, verification data, facility data. Periodically re-certify the providers' credential and store the updated data in a relational database. It should be apparent to the reader that the relational database which utilizes the database management software (DBMS) to facilitate managing the stored data by allowing tasks such as querying, sorting, inserting, updating, and deleting records stored within the database. Thus, by storing the provider's data in a relational database, the system inherently supports the sorting and querying capabilities (abstract, ¶s 0041 and 0046).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of the cited references because **Heyer's** teaching would have allowed **Newman's** to enable the healthcare network to have continuous and reliable access in order to increase effectiveness and efficiency in managing the provider data by having the information available from a single data source which centralizes provider data, verification data and facility data as suggested by **Heyer** at ¶ 0012.

Regarding claims 12 and 13, **Newman et al.** further teaches wherein the database is owned by a database owner and wherein a payment is made by the database owner to the at least one information source for the provision of information about individuals, and wherein a payment is made by the at least one interested entity to the database owner for being provided the information about individuals (col. 5, line 61 – col. 6, line 11).

Regarding claim 19, **Newman et al.** further teaches wherein the at least one entity receives upon request information from the database regarding a number of discrete individuals identified by the at least one entity to the database (col. 5, lines 5-11).

Regarding claims 20 and 35, **Newman et al.** does not explicitly teach wherein the at least one entity obtains the information about the at least one individual from the database for the purpose of determining whether the at least one entity desires to create, maintain or terminate a relationship with the at least one individual.

Heyer, however, teaches 'the at least one entity obtains the information about the at least one individual from the database for the purpose of determining whether the at least one entity desires to create, maintain or terminate a relationship with the at least one individual' as the healthcare network requires verifying the medical education of the providers from applicable universities, the medical training of the providers from the

applicable hospitals, and medical licenses of the providers from applicable state licensing boards etc... (¶s 0042, 0046, and 0047).

Regard claim 21, **Newman** teaches a method for collecting and providing information about individuals comprising the steps of:

a). obtaining initial information about individuals from at least one information provider (col. 1, lines 47-56 and col. 5, lines 46-60);

b). entering the initial information about individuals into a relational database (col. 1, lines 21-35; col. 2, lines 41-43);

c). providing access to the relational database to at least one interested entity (col. 5, lines 35-40 and col. 5, line 61 – col. 6, line 9);

d). obtaining updated information about individuals from the at least one information provider (col. 5, lines 5-20 and lines 45-60);

e). comparing the updated information about individuals to the initial information entered into the relational database (col. 5, lines 51-55);

f). replacing the initial information entered into the relational database with the updated information about individuals if the updated information about individuals is more recent than the information entered into the relational database to create an updated relational database (col. 5, lines 47-55);

g). repeating steps d through f as additional updated information about individuals is obtained from the at least one information provider (col. 5, lines 47-55).

Newman does not explicitly teach the steps of:

a). electronically querying the at least one information source,

f). wherein the information is continuously updated by obtaining the updated information from the at least one information source such that the initial information contained in the database is constantly replaced by the updated information.

Heyer, however, teaches automated notification to providers and network monitors, and facility when it is time to up-date the provider data, verification data, facility data. Periodically re-certify the providers' credential and store the updated data in a relational database. It should be apparent to the reader that the relational database which utilizes the database management software (DBMS) to facilitate managing the stored data by allowing tasks such as querying, sorting, inserting, updating, and deleting records stored within the database. Thus, by storing the provider's data in a relational database, the system inherently supports the sorting and querying capabilities (abstract, ¶s 0041 and 0046).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of the cited references because **Heyer's** teaching would have allowed **Newman's** to enable the healthcare network to have continuous and reliable access in order to increase effectiveness and efficiency in managing the provider data by having the information available from a single data source which centralizes provider data, verification data and facility data as suggested by **Heyer** at ¶ 0012.

Regarding claim 22, **Newman et al.** further teaches transmitting the updated relational database to the at least one interested party (col. 5, lines 47-55; col. 6, lines 26-31).

Newman does not explicitly teach automatically after updated information about the individuals is inputted into the relational database.

Heyer, however, teaches automated notification to providers and network monitors, and facility when it is time to up-date the provider data, verification data, facility data. Periodically re-certify the providers' credential and store the updated data in a relational database (abstract, ¶s 0041 and 0046).

Regarding claims 23-28, **Heyer** further teaches wherein the information about individuals is obtained from the at least one information source on a constant periodic basis (¶s 0024, 0041, and 0046).

Regarding claims 33 and 34, **Newman** teaches a system for collecting and providing information about individuals comprising the steps of:

a.) obtaining initial information in digital form about at least one individual from at least one information provider (col. 1, lines 47-56 and col. 5, lines 46-60), wherein the initial information is selected from the group consisting of personal information, professional information, and government information (col. 1, lines 47-61);

b). entering the initial information about the at least one individual in a digital format into a updated relational database (col. 1, lines 21-35);

c). providing access to the relational database to at least one entity interested in the at least one individual (col. 5, lines 35-40 and col. 5, line 61 – col. 6, line 9);

d). updating the digital information in a relational database by comparing newer information obtained from the at least one information provider about the at least one individual to the information in the relational database and replacing the information in the relational database with the newer information about the at least one individual if the newer information about the at least one individual is more recent and different than the information in the relational database (col. 5, lines 51-55; col. 7, lines 33-64);

e). repeating step d as soon as the newer information about the at least one individual is obtained from the at least one information provider (col. 5, lines 45-55); and

Newman does not explicitly teach the steps of:

a). electronically querying the at least one information source,

b). wherein the continuously updated relational database comprises continuously updated digital information about the at least one individual,

d). wherein the information is continuously periodically updated by obtaining the newer information from the at least one information source such that the initial information contained in the continuously newer relational database is constantly replaced by the newer information,

f). transmitting the newer information to the at least one interested party automatically.

Heyer, however, teaches automated notification to providers and network monitors, and facility when it is time to up-date the provider data, verification data,

facility data. Periodically re-certify the providers' credential and store the updated data in a relational database. It should be apparent to the reader that the relational database which utilizes the database management software (DBMS) to facilitate managing the stored data by allowing tasks such as querying, sorting, inserting, updating, and deleting records stored within the database. Thus, by storing the provider's data in a relational database, the system inherently supports the sorting and querying capabilities (abstract, ¶s 0041 and 0046).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of the cited references because **Heyer's** teaching would have allowed **Newman's** to enable the healthcare network to have continuous and reliable access in order to increase effectiveness and efficiency in managing the provider data by having the information available from a single data source which centralizes provider data, verification data and facility data as suggested by **Heyer** at ¶ 0012.

4. Claims 29-32, 36, and 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Newman et al.** (U.S. Patent 6,571,214 B2) in view of **Heyer** (US 2003/0236682) as applied in claims 1-28 and 33-35 above and in view of **Ferguson et al.** (**"Ferguson"**) (U.S. Patent 5,819,092).

Regarding claim 29, **Newman** teaches wherein a payment is made by the at least one interested entity to the database owner for being provided the information about individuals (col. 5, line 61 – col. 6, line 9).

Newman and **Heyer** do not explicitly teach that the database is owned by a database owner and wherein a payment is made by the database owner to the at least one information source for the provision of information.

Ferguson, however, teaches a third party content providers may be paid when that content provider supplies valuable information desired by users of the one line service (col. 4, lines 64-66).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of the cited references because **Ferguson's** teaching would have allowed **Newman- Heyer's** to encourage entities to supply valuable information to the database owner in order to increase effectiveness and efficiency in managing the provider data.

Regarding claims 30 and 31, **Newman et al.** does not explicitly teach wherein the information is obtained automatically from the at least one information source and wherein the updated information is provided automatically to the at least one interested entity.

Heyer, however, teaches automated notification to providers and network monitors, and facility when it is time to up-date the provider data, verification data,

facility data. Periodically re-certify the providers' credential and store the updated data in a relational database (abstract, ¶s 0041 and 0046).

Regarding claim 32, **Newman et al.** does not explicitly teach wherein the at least one interested entity obtains the information about the at least one individual from the database for the purpose of determining whether the at least one interested entity desires to create, maintain or terminate a relationship with the at least one individual.

Heyer, however, teaches 'the at least one entity obtains the information about the at least one individual from the database for the purpose of determining whether the at least one entity desires to create, maintain or terminate a relationship with the at least one individual' as the healthcare network requires verifying the medical education of the providers from applicable universities, the medical training of the providers from the applicable hospitals, and medical licenses of the providers from applicable state licensing boards etc... (¶s 0042, 0046, and 0047).

Regarding claim 36, **Newman et al.** further teaches wherein a payment is made by the at least one interested entity to the database owner for being provided the information about individuals (col. 5, line 61 – col. 6, line 9)

Newman et al. and **Heyer** do not explicitly teach that the database is owned by a database owner and wherein a payment is made by the database owner to the at least one information source for the provision of information about the at least one individual.

Ferguson et al., however, teaches a third party content providers may be paid when that content provider supplies valuable information desired by users of the one line service (col. 4, lines 64-66).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of the cited references because **Ferguson's** teaching would have allowed **Newman- Heyer's** to encourage entities to supply valuable information to the database owner in order to increase effectiveness and efficiency in managing the provider data.

Regarding claim 37, **Newman** teaches a business method for collecting and providing information about individuals comprising the steps of:

a). obtaining initial information about at least one individual from at least one information provider (col. 1, lines 47-56 and col. 5, lines 46-60), wherein the information is selected from the group consisting of personal information, professional information, and governmental information (col. 1, lines 47-61);

b). entering the information about the at least one individual into a relational database (col. 1, lines 21-35);

c). providing access to the relational database to at least one entity interested in the at least one individual (col. 5, lines 35-40 and col. 5, line 61 – col. 6, line 9);

d). updating the relational database by comparing newer information obtained from the at least one information provider about the at least one individual to the information in the relational database and replacing the information in the relational

database with the newer information about the at least one individual if the newer information about the at least one individual is more recent and different than the information in the relational database (col. 5, lines 51-55; col. 7, lines 33-64);

e). repeating step d as soon as the newer information about the at least one individual is obtained from the at least one information provider (col. 5, lines 45-55);

9). a payment is made by the at least one interested entity to the database owner for being provided the information about the at least one individual (col. 5, line 61 – col. 6, line 9).

Newman does not explicitly teach the steps of:

a). electronically querying the at least one information source,

b). continuously updated relational database comprises continuously updated digital information about the at least one individual;

d). wherein the information continuously periodically updated by obtaining the newer information from the at least one information source such that the initial information contained in the continuously newer relational database is constantly replaced by the newer information.

f). transmitting the newer information to the at least one interested party automatically.

Heyer, however, teaches automated notification to providers and network monitors, and facility when it is time to up-date the provider data, verification data, facility data. Periodically re-certify the providers' credential and store the updated data

in a relational database. It should be apparent to the reader that the relational database which utilizes the database management software (DBMS) to facilitate managing the stored data by allowing tasks such as querying, sorting, inserting, updating, and deleting records stored within the database. Thus, by storing the provider's data in a relational database, the system inherently supports the sorting and querying capabilities (abstract, ¶s 0041 and 0046).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of the cited references because **Heyer's** teaching would have allowed **Newman's** to enable the healthcare network to have continuous and reliable access in order to increase effectiveness and efficiency in managing the provider data by having the information available from a single data source which centralizes provider data, verification data and facility data as suggested by **Heyer** at ¶ 0012.

g). **Newman et al.** and **Heyer** do not explicitly teach a payment is made by the database owner to the at least one information source for the provision of information about the at least one individual.

Ferguson et al., however, teaches a third party content providers may be paid when that content provider supplies valuable information desired by users of the one line service (col. 4, lines 64-66).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of the cited references because

Ferguson's teaching would have allowed **Newman- Heyer's** to encourage entities to supply valuable information to the database owner in order to increase effectiveness and efficiency in managing the provider data.

Regarding claim 38, **Newman et al.** does not explicitly teach wherein the information is obtained automatically from the at least one information source and wherein the updated information is provided automatically to the at least one interested entity.

Heyer, however, teaches automated notification to providers and network monitors, and facility when it is time to up-date the provider data, verification data, facility data. Periodically re-certify the providers' credential and store the updated data in a relational database (abstract, ¶s 0041 and 0046).

Regarding claim 39, **Newman** does not explicitly teach wherein the at least one interested entity obtains the information about the at least one individual from the database for the purpose of determining whether the at least one interested entity desires to create, maintain or terminate a relationship with the at least one individual.

Heyer, however, teaches 'the at least one entity obtains the information about the at least one individual from the database for the purpose of determining whether the at least one entity desires to create, maintain or terminate a relationship with the at least one individual' as the healthcare network requires verifying the medical education of the providers from applicable universities, the medical training of the providers from the

applicable hospitals, and medical licenses of the providers from applicable state licensing boards etc... (¶s 0042, 0046, and 0047).

Response to Argument

5. Applicant's arguments with respect to claims 1-39 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie Wong whose telephone number is (571) 272-4120. The examiner can normally be reached on Monday to Friday 9:30am - 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Leslie Wong
Patent Examiner
Art Unit 2167

LW
November 21, 2004